Amendments to the Claims

The listing of claims will replace all prior versions, and listings of claims in the application.

1-13. (cancelled)

14. (previously presented) The recombinant or isolated DNA molecule of claim 29 operably linked to a DNA sequence encoding a product of interest.

15. (previously presented) The recombinant or isolated DNA molecule of claim 14, wherein said product of interest is a protein, or a product which is able to regulate expression of a protein.

16. (previously presented) The recombinant or isolated DNA molecule of claim 14 wherein said product, when expressed, affects a plant trait.

17. (previously presented) The recombinant or isolated DNA molecule of claim 16, wherein the plant trait affected is any one of pathogen resistance, disease control, sterility, fertility or fruit ripening.

18. (previously presented) The recombinant or isolated DNA molecule of claim 14 further comprising a marker gene.

19. (previously presented) A vector comprising the recombinant or isolated DNA molecule of claim 29.

20. (previously presented) A host cell comprising the vector of claim 19.

21. (previously presented) The host of claim 20, wherein said host cell is a plant cell or a microbial cell.

22. (previously presented) A transgenic plant comprising at least one cell of claim 21.

23. (currently amended) A method of identifying an agent capable of regulating the expression of a heterologous gene which is operatively linked to a recombinant or isolated DNA molecule comprising an inducible pathogenesis-related protein gene promoter wherein said promoter is ~~chosen from the group consisting of:~~

~~i)~~ a nucleic acid molecule having SEQ ID NO:1 that naturally drives the expression of a ~~21.3k Da~~ 21.3 kDa protein in *Asparagus officinalis*,

~~ii) a nucleic acid molecule having a sequence 90% identical to SEQ ID NO:1, wherein said molecule is a promoter, whose expression is a) induced by salicylic acid (SA) and by BTH (benzo (1,2,3) thiadiazole-7-carbothoic acid S methyl ester), b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally-regulated expression;~~

~~iii) a nucleic acid molecule that hybridizes under stringent conditions to any one of the molecules of i) or ii), wherein said molecule acts as an inducible promoter, whose expression is induced by SA and by BTH, is not systemically activated by pathogen infection, and exhibits minimal developmentally regulated expression; and~~

~~iv) a fragment of at least 100 nucleotides of the nucleic acid molecule of i) wherein said fragment acts as an inducible promoter, whose expression is a) induced by SA and by BTH, b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally regulated expression,~~

the method comprising applying a putative agent to a sample comprising the promoter operatively linked to a gene, and measuring the expression level of the heterologous gene.

24. (cancelled)

25. (currently amended) A vector comprising the recombinant or isolated DNA molecule of claim [[31]] 23.

26. (previously presented) A host cell comprising the vector of claim 25.

27. (previously presented) The host cell of claim 26, wherein said host cell is a plant cell or a microbial cell.

28. (previously presented) A transgenic plant comprising at least one cell according to claim 27.

29. (currently amended) A recombinant or isolated DNA molecule comprising an inducible pathogenesis-related protein gene promoter wherein said promoter is ~~chosen from the group consisting of:~~

~~i)~~ a nucleic acid molecule having SEQ ID NO:1 that naturally drives the expression of a 21.3 kDa protein in *Asparagus officinalis*[[,]].

~~ii) a nucleic acid molecule having a sequence 90% identical to SEQ ID NO:1, wherein said molecule acts as an inducible promoter, whose expression is a) induced by salicylic acid (SA) and by BTH (benzo (1,2,3) thiadiazole-7-carbothoic acid S-methyl ester), b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally regulated expression;~~

~~iii) a nucleic acid molecule that hybridizes under stringent conditions to any one of the promoter of i) or ii), wherein said molecule acts as an inducible promoter, whose expression is a) induced by SA and by BTH, b) is not systemically activated by pathogen infection, and c) exhibits minimal developmentally regulated expression; and~~

~~iv) a fragment of at least, 100 nucleotides of the nucleic acid molecule of i) wherein said fragment acts as an inducible promoter, whose expression is a) induced by SA and by BTH, b) is not systematically activated by pathogen infection, and c) exhibits minimal developmentally regulated expression.~~

30-32. (cancelled)

33. (currently amended) A recombinant or isolated DNA molecule comprising at least two promoter ~~sequence~~ sequences of claim 29 arranged in series.

34. (previously presented) The recombinant or isolated DNA molecule of claim 33 further comprising linker sequences between said promoter sequences.

35. (cancelled)

36. (previously presented) A recombinant or isolated DNA molecule comprising a promoter of claim 29, operably linked to a transactivator sequence and a second promoter sequence.

37. (previously presented) The recombinant or isolated DNA molecule of claim 36, wherein said second promoter sequence is the target of said transactivator sequence.

38. (previously presented) A recombinant or isolated DNA molecule comprising a promoter of claim 29 operably linked to a mRNA viral replicase system.

39. (currently amended) The recombinant or isolated DNA molecule of claim [[9 or 10]] 36 or 37, wherein said transactivator sequence is a mutated *E. coli lac*I gene fused to the transcriptional activator domain of the GAL4 from yeast (yielding LhG4

protein), and said second promoter sequence is a minimal 35S CaMV promoter with two binding sites for said LhG4 protein.